



THE CITY OF NEW YORK
LAW DEPARTMENT
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MEMO ENDORSED

July 20, 2023

VIA ECF

Honorable Edgardo Ramos
United States District Court Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

The City of New York's request is granted: its answer is due August 3, 2023, defendant Stumer's answer is due August 3, 2023, and all deadlines pursuant to Local Civil Rule 83.1 are correspondingly extended. SO ORDERED.


Edgardo Ramos, U.S.D.J.
Dated: July 21, 2023
New York, New York

Re: *Valerio v. City of New York, et al.*, 23-CV-02876 (ER)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and attorney for defendant City of New York ("City"). For the reasons set forth below, Defendant City respectfully requests a brief two week extension, until August 3, 2023, to answer or otherwise respond to the complaint. I further write to respectfully request that the Court, *sua sponte*, grant a corresponding extension to defendant Jeremy Stumer. This is the first request for an extension and Plaintiff's counsel, Eugene M. Bellin, consents to this request. It is further respectfully requested that, to the extent the Court is inclined to grant the within request, that all deadlines pursuant to Local Civil Rule 83.1 be correspondingly extended.

By way of background, Plaintiff brings this action, pursuant to 42 U.S.C. §1983, against defendants City of New York, Jeremy Stumer and unidentified officers John Does 1-6 alleging, *inter alia*, false imprisonment, excessive force, failure to intervene, malicious prosecution, municipal liability, and pendent state law claims stemming from his arrest on or about April 8, 2022. Specifically, Plaintiff alleges that, when he was sitting on his motorcycle at a stopped traffic light, he was forcibly pulled from his motorcycle by John Does 1-6 causing him to fall off the motorcycle. Plaintiff further alleges that he was tightly handcuffed, which caused his left wrist to be punctured, and injuries to his right knee, left shoulder, left wrist, left leg, and left ankle.

On April 7, 2023, this case was designated for participation in Local Civil Rule 83.10 (formerly "the Section 1983 Plan"). On May 1, 2023 and May 2, 2023 defendants Officer Jeremy

Stumer and the City were purportedly served the complaint, and pursuant to the Plan, their responses to the complaint are due July 20, 2023 and July 21, 2023, respectively.

The reason for this request is that, to date, the undersigned has not been able to resolve representation with defendant Officer Stumer, however, the undersigned believes with the additional two week extension, representation can be resolved. Thereafter, to the extent this Office determines it can represent Officer Stumer and he accepts such representation, and the Court grants the within request, one responsive pleading can be filed for both the City and Officer Stumer.

Accordingly, it is respectfully requested that the Court extend the deadline, until August 3, 2023, for defendants City and Stumer to respond to the complaint. Defendant City thanks the Court for its consideration. It is further respectfully requested that all deadlines pursuant to Local Civil Rule 83.1 be correspondingly extended.

Respectfully submitted,

Thomas Lai s/

Thomas Lai

Senior Counsel

Special Federal Litigation Division

To: **VIA ECF**
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Attorney for Plaintiff